

REMARKS

This Amendment is filed in response to the Office Action mailed on November 10, 2004. All objections and rejections are respectfully traversed.

At paragraphs 1-2 of the Office Action claims 1, 9-11, and 16 were rejected under 35 U.S.C. §102 as being unpatentable in view of Boucher et al., US Publication 2001/0027496, published on October 4, 2001, hereinafter Boucher.

The present invention, as set for the in representative claim 1 comprises in part:

1. A method for uniformly distributing data transmitted by a server over a plurality of underlying links of an aggregate within a computer network, the method comprising the steps of:
 - defining a unit of data as a datagram;
 - apportioning each datagram into at least one fragment at the server;
 - associating each fragment to an underlying link of the aggregate on the basis of an Internet protocol (IP) identifier (ID) of each datagram and a number of active links of the aggregate;*** and
 - transmitting the fragment over its associated underlying link from the server to the computer network.

By way of background, Boucher describes a system for protocol processing in a computer network having an intelligent network interface card. The system provides a fast-path for datagrams made up of fragments. The datagram contains an IP_ID for reassembling from the fragments based on checksums.

Applicant respectfully urges that Boucher does not show Applicant's claimed novel step of ***associating each fragment to an underlying link of the aggregate on the***

basis of an Internet protocol (IP) identifier (ID) of each datagram and a number of active links of the aggregate. Boucher uses the IP_ID for reassembling the fragments based on a checksum.

In sharp contrast, Applicant associates *each fragment to an underlying link of the aggregate on the basis of an Internet protocol (IP) identifier (ID) of each datagram and a number of active links of the aggregate.* In further detail, the IP ID allows that the fragments/packets having the same IP ID to be sent to the same physical link of the aggregate. Furthermore, the IP ID transmits all the fragments of the IP datagram to be sent over the same link and in proper order. Applicant uses the IP ID for sending packets, instead of for assembling the datagrams as in Boucher.

Boucher has no concept of a plurality of links as Applicant's claimed *aggregate* of links. Boucher transmits all of the packets down one link; different packets take different routes so they arrive at the destination in no particular order. He then reassembles the packets in order at the other end. In sharp contrast, Applicant's claimed invention sends all the packets down one link in order, while different datagrams are sent down different links. Therefore, Boucher has no disclosure of the claimed novel concept of having multiple links and sending different datagrams over those links.

Applicant respectfully urges that the Boucher application is legally precluded from anticipating the claimed invention under 35 U.S.C. §102 because of the absence from the Boucher application of Applicant's *associating each fragment to an underlying*

link of the aggregate on the basis of an Internet protocol (IP) identifier (ID) of each datagram and a number of active links of the aggregate.

At paragraphs 7-8, the Examiner rejected claims 2, 3, 12, 13, 17, and 18 under 35 U.S.C. §103 as being unpatentable over Boucher, in view of Pub. No. 2001/0036154 issued to Takagi, hereinafter Takagi.

At paragraph 15, the Examiner rejected claims 4, 14, and 19 under 35 U.S.C. §103 as being unpatentable over Boucher, in view of US Patent No. 6,157,955 issued to Narad et al., hereinafter Narad.

At paragraph 20, the Examiner rejected claims 5, 15, and 20 under 35 U.S.C. §103 as being unpatentable over Boucher, in view of Takagi, and in further view of Narad.

At paragraph 26, the Examiner rejected claims 6-8 under 35 U.S.C. §103 as being unpatentable over Boucher, in view of Takagi, and in further view of Narad, and in view of “Official Notice.”

Applicant respectfully notes that claims 2-8, 12-15, and 17-20 are dependent claims that depend from independent claims which are believed to be in condition for allowance. Accordingly claims 2-8, 12-15, and 17-20 are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



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